

## **U.S.** Department of Justice

## **Environment and Natural Resources Division**

Environmental Enforcement Section P.O. Box 7611 Washington, DC 20044-7611 Telephone (202) 514-1308 Facsimile (202) 616-6584 randall.stone@usdoj.gov

August 7, 2013

## FILED AND SERVED BY THE COURT'S ELECTRONIC CASE FILING SYSTEM

The Honorable William C. Griesbach Chief Judge United States District Court for the Eastern District of Wisconsin

Re: Status Report:

United States and the State of Wisconsin v. NCR Corp., et al.,

Case No. 10-cv-910 (E.D. Wis.)

Dear Judge Griesbach:

Since our last report to the Court on July 1, Judge Goodstein has had more than a dozen separate contacts with the parties as part of an ongoing attempt to reach a mediated settlement of some or all of the claims involved in this case and the related *Whiting* case. Counsel for the Plaintiffs also have had additional direct contacts with counsel for some of the Defendants during the last month. The Plaintiffs believe that additional time for continued discussions is warranted at this point, especially because summer schedules have been and will be impacted by holidays and vacations.

If acceptable to the Court, the Plaintiffs will file an additional status report within five weeks, by September 11, advising the Court on whether additional settlement progress has been made with some or all of the parties and on whether an extended deferral of litigation scheduling may be appropriate.

Respectfully submitted,

Trudal M. Hone

Randall M. Stone Senior Attorney

## CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing letter to be served on the following counsel of record by the Court's Electronic Case Filing system:

Mary Rose Alexander Latham & Watkins LLP mary.rose.alexander@lw.com

Thomas Armstrong von Briesen & Roper SC <u>tarmstro@vonbriesen.com</u>

Paul Bargren Foley & Lardner LLP pbargren@foley.com

Linda E. Benfield Foley & Lardner LLP lbenfield@foley.com

Dennis P. Birke DeWitt Ross & Stevens SC db@dewittross.com

Garrett L. Boehm, Jr. Johnson & Bell, Ltd. boehmg@jbltd.com

Steven P. Bogart Reinhart Boerner Van Deuren SC sbogart@reinhartlaw.com

Michael P. Carlton von Briesen & Roper SC mcarlton@vonbriesen.com

Evan R. Chesler Cravath Swaine & Moore LLP echesler@cravath.com

Francis A. Citera Greenberg Traurig LLP <u>citeraf@gtlaw.com</u>

Marc E. Davies Greenberg Traurig LLP <u>daviesm@gtlaw.com</u>

David R. Erickson Shook Hardy & Bacon LLP <u>derickson@shb.com</u>

S. Todd Farris Friebert Finerty & St. John SC  $\underline{stf@ffsj.com}$ 

Patrick J. Ferguson Latham & Watkins LLP patrick.ferguson@lw.com

Charles Fried <a href="mailto:fried@law.harvard.edu">fried@law.harvard.edu</a>

Sandra C. Goldstein Cravath Swaine & Moore LLP sgoldstein@cravath.com

Thomas R. Gottshall Haynsworth Sinkler Boyd PA lgantt@hsblawfirm.com

Eric W. Ha Sidley Austin LLP <u>eha@sidley.com</u>

Scott W. Hansen Reinhart Boerner Van Deuren SC shansen@reinhartlaw.com

William H. Harbeck Quarles & Brady LLP william.harbeck@quarles.com

Cynthia R. Hirsch Wisconsin Department of Justice hirscher@doj.state.wi.us

Margaret I. Hoefer Stafford Rosenbaum LLP mhoefer@staffordlaw.com

Caleb J. Holmes Greenberg Traurig LLP holmesc@gtlaw.com

Philip C. Hunsucker Hunsucker Goodstein PC phunsucker@hgnlaw.com

Peter C. Karegeannes Quarles & Brady LLP peter.karegeannes@quarles.com

Paul G. Kent Stafford Rosenbaum LLP pkent@staffordlaw.com

Gregory A. Krauss Gregory Krauss pllc gkrauss@krausspllc.com

Linda R. Larson Marten Law PLLC llarson@martenlaw.com

Vanessa A. Lavely Cravath Swaine & Moore LLP vlavely@cravath.com Susan E. Lovern von Briesen & Roper SC slovern@vonbriesen.com

Anne E. Lynch Hunsucker Goodstein PC alynch@hgnlaw.com

Kevin J. Lyons Davis & Kuelthau SC klyons@dkattorneys.com

Meline G. MacCurdy Marten Law mmaccurdy@martenlaw.com

David G. Mandelbaum Greenberg Traurig LLP mandelbaumd@gtlaw.com

Bradley M. Marten Marten Law bmarten@martenlaw.com

Tara M. Mathison
Davis & Kuelthau SC
tmathison@dkattorneys.com

Allison E. McAdam Hunsucker Goodstein PC amcadam@hgnlaw.com

Darin P. McAtee Cravath Swaine & Moore LLP dmcatee@cravath.com

Stephen F. McKinney Haynsworth Sinkler Boyd PA smckinney@hsblawfirm.com

Heidi D. Melzer Melzer Law, LLC hmelzer@melzerlaw.com

Elizabeth K. Miles Davis & Kuelthau SC emiles@dkattorneys.com

William J. Mulligan Davis & Kuelthau SC wmulligan@dkattorneys.com

Omid H. Nasab Cravath Swaine & Moore LLP onasab@cravath.com Kelly J. Noyes von Briesen & Roper SC knoyes@vonbriesen.com

Nancy K. Peterson Quarles & Brady LLP nancy.peterson@quarles.com

Thomas M. Phillips Reinhart Boerner Van Deuren SC tphillip@reinhartlaw.com

Ian A.J. Pitz Michael Best & Friedrich LLP <a href="mailto:iapitz@michaelbest.com">iapitz@michaelbest.com</a>

Ronald R. Ragatz
DeWitt Ross & Stevens SC
<a href="mailto:rrr@dewittross.com">rrr@dewittross.com</a>

Kathleen L. Roach Sidley Austin LLP kroach@sidley.com Megan A. Senatori DeWitt Ross & Stevens SC ms@dewittross.com

Adam B. Silverman Greenberg Traurig LLP silvermana@gtlaw.com

M. Andrew Skierawski Friebert Finerty & St. John SC mas@ffsj.com

Sarah A. Slack Foley & Lardner LLP sslack@foley.com

Margaret R. Sobota Sidley Austin LLP msobota@sidley.com

Arthur A. Vogel, Jr. Quarles & Brady LLP arthur.vogel@quarles.com Anthony S. Wachewicz, III City of Green Bay tonywa@ci.green-bay.wi.us

James P. Walsh Appleton City Attorney jim.walsh@appleton.org

Ted A. Warpinski Friebert Finerty & St John SC taw@ffsj.com

**Ted Waskowski** Stafford Rosenbaum LLP <u>twaskowski@staffordlaw.com</u>

Evan B. Westerfield Sidley Austin LLP evanwesterfield@sidley.com

Richard C. Yde Stafford Rosenbaum LLP ryde@staffordlaw.com

Dated: August 7, 2013 <u>s/ Randall M. Stone</u>